

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Co-op Mining Company/Bear Canyon Mine
 Permit #: C/015/025

NOV # 10010
 Violation # 1 of 2 / 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input checked="" type="checkbox"/> | j. | Other. |

Explanation: The Permittee's employee's were not cleaning up and disposing of non-coal waste generated by mining activities; trash was being brought out of the Mine and left on trailers exposed to wind and activities being conducted on the surface were not being cleanup up, including supply handling, and electrical cable repairs. This is a condition established in the mining and reclamation plan, Chapter 5, page 5-27, section 528.330, non-coal mine waste.

2. Has the even occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The Permittee allowed piles of non-coal waste debris to accumulate on the #3 Mine portal pad, near the #4 Mine fan, and in sediment control structures. A communication cable had been recovered, but was thrown on the disturbed area perimeter at pond "D".

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: All waste was observed inside the disturbed area perimeter. High velocity canyon winds could have dispersed trash off of the disturbed area acreage. Clean up would have required more effort and time by Company personnel.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: _____

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of a specific permit condition?

Explanation: Yes; Section 3, COMPLIANCE. The Permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State program. The Permittee must control non-coal waste in accordance with Chapter 5, page 5-27, Section 528.330 requirements of the mining and reclamation plan.

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

C. GOOD FAITH

Event Violation Inspector's Statement

NOV/CO # ~~N1000~~ N10010
Violation # 1 of 1

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The Permittee should receive the maximum allowable amount of points for good faith. The compliance action was observed during the PM hours of 8/27. The notice of violation was documented and forwarded to the Permittee on 8/28 @ 10 AM. The Permittee notified the Division on 8/28 at 12:30 PM that the remedial action necessary to abate the violation had been completed. The violation was inspected and terminated at 2:05 PM, approximately within the first 24 hours of being observed.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Peter Hess #46 Peter Hess
Authorized Representative Signature

August 30, 2007
Date

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